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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,918	11/13/2003	Alain Bethune	232688US26	7301
22850	7590	09/21/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			GRAY, LINDA L	
			ART UNIT	PAPER NUMBER
			1734	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Detailed Action

Election/Restriction

1. Claims 14-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on 7-13-05.

Specification

2. The specification is objected to because of the following informality: -- 23 -- should be inserted before "designed" (p 5, L 1).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2 and 6-7 are indefinite in that such does provide an active step of forming the second series of labels. Also, claim 7 is indefinite in that such does not indicate what the cutting blade cuts to form the second series of labels.

Claim Rejections- 35 USC 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having

ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2212995 in view of Nedblake et al. (US 5,624,520).

Claim 1, GB995 teaches a process for manufacturing a label stock carrier which is that rolled onto roller 21. The process includes providing a multilayer structure including carrier strip 3 covered on its two faces by first adhesive film 2 and second adhesive film 4 where such is fed from roll 1 in Figures 1 and 2. A die cutting operation on films 2 and 4 from opposite sides forms a first and second series of labels 20 on both sides of carrier 3. Cutting is performed while films 2 and 4 are adhered to carrier 3.

Claim 1, GB995 does not teach temporarily separating films 2 and 4 from carrier 3 during cutting of films 4 and 2, respectively.

Nedblake et al. teach a process for manufacturing a label stock carrier which is that leaving cutter 46 in Figure 6. The process includes providing a multilayer structure including carrier 104 covered on its top face by first adhesive film 102. A cutting operation on film 102 forms a first series of labels 112. Nedblake et al. teach that in conventional label manufacturing, such as that of GB995, that the dies are expensive to manufacture and a custom die must be produced for each type of label. Nedblake et al. eliminate the use of dies by using lasers to cut film 102 while carrier 104 is separated from film 102.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in GB995 temporarily separating both films 2 and 4

from carrier 3 during cutting of films 4 and 2, respectively, and to then cut using a laser instead of a mechanical die because Nedblake et al. teach that in conventional label manufacturing, such as that of GB995, that the dies are expensive to manufacture and a custom die must be produced for each type of label and that using lasers while carriers are separated therefrom film eliminates these drawbacks.

Claim 2, see Figure 1 of GB995 where an outline of each label 20 from film 2 lies inside an outline of each label 20 from film 4. **Claims 3 and 6**, see Figure 1 of GB995 where the outlines of labels 20 from films 2 and 4 are substantially similar. **Claims 4 and 7**, in GB995 labels 20 from film 2 has at least one edge which is offset from that of a corresponding label 20 from film 4 where the offset is larger than the thickness of the laser (cutting blade) in that GB995 suggests a space between consecutive labels where this space has a width which forms part of the ladder of waste material removed from the cut film.

Claims 5 and 8, GB995 does not teach a specific width for the offset.

However, MPEP § 2144.05 indicates that where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation, In re Aller, 220 F.2d 454, 105 U.S.P.Q. 233, 235 (CCPA 1955), and it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have optimized the width of the offset to ensure that the ladder material can be easily withdrawn without ripping.

Claims 9 and 10, as discusses above, GB995 teaches a cutting operation on film 4 to form the second series of labels 20. Labels 20 from film 102 are superposed with respect to labels 20 of film 4 with at least a portion of a periphery of labels 20 from film 4 being disposed outside of a periphery of respective ones of labels 20 from film 2 such that cutting of this periphery from labels 20 of film 4 is outside the periphery of labels 20 from film 2.

Claims 10 and 12-13, GB995 does not teach the periphery of labels 20 of films 2 or 4 to lie entirely within corresponding peripheries of labels 20 of films 4 or 2, respectively.

However, placing labels 20 on top of each other instead of offset from each other is conventional in the double sided label-carrier art, and it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided for

Art Unit: 1734

such in GB995 because it is obvious to replace on position of the labels with another art recognized alternative position for the labels.

Claim 11, labels 20 from films 2 and 4 have substantially the same shape.

7. Claims 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2212995.

Claim 19, GB995 teaches a process for manufacturing a label stock carrier which is that rolled onto roller 21. The process includes providing a multilayer structure including carrier strip 3 covered on its two faces by first adhesive film 2 and second adhesive film 4 where such is fed from roll 1 in Figures 1 and 2. A die cutting operation on films 2 and 4 from opposite sides forms a first and second series of labels 20 on both sides of carrier 3. Cutting is performed while films 2 and 4 are adhered to carrier 3.

Claim 19, *GB995 does not teach the periphery of labels 20 of films 2 or 4 to lie entirely within corresponding peripheries of labels 20 of films 4 or 2, respectively.*

However, placing labels 20 on top of each other instead of offset from each other is conventional in the double sided label-carrier art, and it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided for such in GB995 because it is obvious to replace on position of the labels with another art recognized alternative position for the labels.

Claims 20-23 and 26, the above discussion of GB995 applies herein; and, for claims 20 and 22:

claim 20, *GB995 does not specifically recite the cutting of labels 20 of film 4 is operated after that for labels 20 of film 2;*

however, MPEP 2144 indicates that the selection of any order of performing process steps is obvious in the absence of unexpected results, see MPEP 2144.04 IV(C); and

claim 22, *GB995 does not teach a specific width for the offset;*

however, MPEP § 2144.05 indicates that where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation, *In re Aller*, 220 F.2d 454, 105 U.S.P.Q. 233, 235 (CCPA 1955), and it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have optimized the width of the offset to ensure that the ladder material can be easily withdrawn without ripping.

8. Claims 24-25 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2212995 in view of Nedblake et al.

Claims 24-25 and 27-28, GB995 does not teach temporarily separating films 2 and 4 from carrier 3 during cutting of films 4 and 2, respectively.

Nedblake et al. teach a process for manufacturing a label stock carrier which is that leaving cutter 46 in Figure 6. The process includes providing a multilayer structure including carrier 104 covered on its top face by first adhesive film 102. A cutting operation on film 102 forms a first series of labels 112. Nedblake et al. teach that in conventional label manufacturing, such as that of GB995, that the dies are expensive to manufacture and a custom die must be produced for each type of label. Nedblake et al. eliminate the use of dies by using lasers to cut film 102 while carrier 104 is separated from film 102.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in GB995 temporarily separating both films 2 and 4 from carrier 3 during cutting of films 4 and 2, respectively, and to then cut using a laser instead of a mechanical die because Nedblake et al. teach that in conventional label manufacturing, such as that of GB995, that the dies are expensive to manufacture and a custom die must be produced for each type of label and that using lasers while carriers are separated therefrom film eliminates these drawbacks.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Gray whose telephone number is (571) 272-1228. The examiner can normally be reached Monday-Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla, can be reached at (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1734

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llg

September 19, 2005


LINDA GRAY
PRIMARY EXAMINER